

**IN THE CLAIMS:**

1. canceled

2. (currently amended) The gate structure of claim [[1]] 12, wherein the predominantly niobium monoxide gate has a work function between approximately 4.1 eV and 4.4 eV.

3. (currently amended) The gate structure of claim [[1]] 12, wherein the gate dielectric is silicon dioxide.

4. (currently amended) The gate structure of claim [[1]] 12, wherein the gate dielectric comprises a high-k gate dielectric material.

5. (original) The gate structure of claim 4, wherein the high-k gate dielectric material comprises HfO<sub>2</sub>, ZrO<sub>2</sub>, Al<sub>2</sub>O<sub>3</sub>, Ta<sub>2</sub>O<sub>5</sub>, HfAlO or HfSiO<sub>4</sub>.

6-8. canceled

9. (currently amended) The gate structure of claim [[8]] 12, wherein the conductive barrier metal is TiN.

10-11. canceled

12. (previously presented) A MOSFET gate structure comprising:

a gate dielectric overlying a substrate;  
a predominantly niobium monoxide gate overlying the gate dielectric; and  
a conductive barrier metal capping layer overlying the niobium monoxide gate.

13. (new) The gate structure of claim 1 wherein the capping layer includes an etched portion, to expose an upper surface of the underlying niobium monoxide gate; and,

the gate structure further comprising:

an electric contact formed through the etched portion of the capping layer, connected to the niobium oxide gate upper surface.

14. (new) The gate structure of claim 1 wherein the niobium oxide gate has an upper surface; and,

wherein the capping layer covers the niobium gate upper surface.

15. (new) The gate structure of claim 1 wherein the niobium oxide gate has sidewalls; and,

wherein the capping layer covers the niobium gate sidewalls.